

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JACK HOLCOMBE, *ET. AL.*
Plaintiffs

vs.

UNITED STATES
Defendant

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DOCKET NO. 5:18-CV-555-XR

MOTION TO ENFORCE PAYMENT OF EXPENSES TO
ANDERSON & ASSOCIATES LAW FIRM PER THE COURT'S HEARING ON MAY 2, 2023

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Anderson & Associates Law Firm (now Anderson & Tijerina, Anderson Law Group) ("Movant"), and files this its Motion To Enforce The Payment Of Expenses. As further proof thereof, Movant would respectfully show the Court the following:

I. FACTUAL BACKGROUND

On May 2, 2023, this Honorable Court held a hearing in *Joe Holcombe, et. al. v. United States*, Docket Number: 5:18-CV-555-XR.¹ In that hearing, the Court assigned the division of attorney fees for the minor plaintiff, R.W., to be heard in state court.² That case is currently pending in the County Court at Law No. 1, Nueces County, Texas. Specifically, in the hearing held on May 2, 2023, this Court clarified with attorneys from Thomas J. Henry that case expenses would be paid, and any cause of action involving the division of attorney's fees would be referred to state court. The relevant portion of the hearing transcript is as follows:

Then the government would issue a separate check to Miss Reilly's law firm in the amount of **\$259,507.75 for expenses** and \$317,261.97 for any medical or lien payments that are outstanding ***and Miss Reilly's law office would be charged with the responsibility of***

¹ A true and correct copy of the transcript of the hearing is attached hereto as **Exhibit A**, and fully incorporated herein, for the Court's convenience.

² In cause no. 5:18-CV-555-XR, the Court assigned the division of attorney's fees to state court. \$1,734,516.09 was placed with the law firm of Thomas J. Henry, who represented R.W.'s mother, Chancie McMahon. The Hilliard Law Firm and Thomas J. Henry have filed a state court action, Cause No. 2022 CCV-60432-1, in which they seek to invalidate Anderson & Associates' (now Anderson Law Group / Anderson & Tijerina) claim to attorney's fees.

taking care of all those expenses, and medical lien payments, and that the government would issue a third check in the amount of \$1,734,5116.09 for the attorneys' fees and that would be placed into the registry of the Court, the Western District of Texas, until such time as the attorney fees issue has been resolved. *See Exhibit A*, pg. 15, lines 17-20 (emphasis added).

And then, needless to say, Miss Reilly and Mr. Wilson, It's a paying upon contempt of this Court if the monies are misappropriated. And I have no concerns about both your law firms, but just to make sure it's all very clear that *if you have any questions about disbursement and there's a fight, better approach me first before doing anything with the monies*. *See Exhibit A* pg. 17, lines 15-21 (emphasis added).

Clearly, attorneys for Thomas J. Henry Injury Attorneys represented to this Court that Anderson & Associates' portion of the expenses would be paid.³ To that end, although \$259,507.97 was set aside for the reimbursement of expenses, the Hilliard Law Firm and Thomas J. Henry have refused to pay Movant for its portion of the total amount of expenses.

WHEREFORE, the undersigned attorneys representing Anderson & Tijerina / Anderson Law Group (formerly Anderson & Associates) pray that this Honorable Court grant its request, that this Court order Hilliard Law Firm and Thomas J. Henry Injury Attorneys to immediately pay the undersigned attorney for its case expenses incurred in the above matter, and for any and all further relief to which the undersigned counsel is entitled at law or in equity.

³ Interestingly, the Court, perhaps anticipating a breakdown of communication, then advised that the Court should be notified in the event of a "fight," related to disbursement. *Id.*, pg 17., lines 17-21.

Respectfully,

ANDERSON & TIJERINA
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent on this day, February 14, 2024 to the following counsel of record in accordance with the Texas Rules of Civil Procedure.

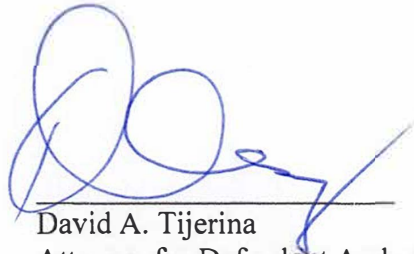
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